2026:CGHC:10120

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 831 of 2019

Suresh Kumar Kurre S/o Shri Bharat Das Kurre Aged About 45 Years R/o Baghuli, Police Station Dadhi, District Bemetara Chhattisgarh.

... Appellant.

versus

The State Of Chhattisgarh Through The Police Station Dadhi, District Bemetara Chhattisgarh.

---- Respondent

For the Appellant : Mr. Ravindra Sharma, Advocate with Mr. Sahil Sahu, Advocate.

For the State/Respondent : Mr. Surendra Dewangan, PL.

Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board

26.02.2026

1. Challenge in the criminal appeal is to the impugned judgment of conviction and sentence dated 10.05.2019 passed in Special Case (NDPS) No.05/2016, by which, learned Special Judge, (NDPS), Bemetara, (CG), convicted the appellant for offence punishable under Section 20(i) of the NDPS Act and sentenced him to undergo maximum RI for 03 years and fine of

Rs.1,000/-, in default to undergo additional RI for 03 months.

2. Case of prosecution, in brief, is that on 05.02.2016, based on secret information, the Police intercepted the appellant in his agricultural field and during search seized 46 pieces of plant of cannabis, including stem and roots (containing 1.500 kg illicit contraband ganja) from his agricultural field. On the basis of seizure, he was arrested under the NDPS Act. After completion of other necessary formalities, Police returned to the Police Station and deposited the seized contraband in Malkhana and lodged FIR against the appellant-accused.

3. After completion of investigation, charge-sheet was filed and trial Court framed the charge against the appellant for offence under the Act of NDPS Act.

4. In order to prove guilt of appellant, prosecution examined total 10 witnesses and their statements were recorded. However, no defence witness was examined. Statement of appellant (accused) was recorded under Section 313 CrPC in which he pleaded innocence and false implication.

5. After completion of trial, trial Court convicted and sentenced the appellant as mentioned in paragraph -1 of this judgment. Hence, this appeal.

6. Learned counsel for the appellant submits that he is not pressing this appeal on merits and confining his arguments to the quantum of sentence only. Appellant has already served about 01 year and 08 days of jail sentence, he does not have any previous criminal incident, hence, looking to the seized contraband and detention period of appellant, sentence awarded to the appellant be reduced to the period already undergone by him.

7. On the other hand, learned State Counsel opposing the prayer of learned counsel for appellant, would submit that the trial Court has rightly convicted and sentenced the appellant and therefore, the impugned judgment does not call for any interference.

8. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.

9. Though learned counsel for the appellant has not challenged conviction of appellant and restricted her prayer only with regard to reduction of sentence as undergone, but still this Court deems it appropriate to examine the impugned judgment of the Court below. This Court has meticulously perused impugned judgment and evidence on record.

10. Perusal of impugned judgment reveals that trial Court has discussed about the compliance of mandatory provisions of the

NDPS Act and held that all the mandatory provisions under the NDPS Act had been complied with and after elaborately considering evidence of each individual material witness has observed that prosecution has proved its case beyond reasonable doubt against appellant herein and that being the position, this Court is the opinion that the trial Court has not committed any mistake in arriving at a conclusion that appellant is guilty for the aforementioned offence.

11. As regards quantum of sentence, considering total quantity of contraband seized from the appellant, i.e, ,46 pieces of plant of cannabis, including stem and roots (containing 1.500 kg illicit contraband ganja), further the fact that out of 03 year of jail sentence, present appellant has already served about 01 year and 08 days of jail sentence, he does do not have any previous antecedents in similar nature, incident is of the year 2016, i.e. more than 09 years have elapsed, this Court is of the opinion that no useful purpose would be served in sending the appellant to jail at this point of time for undergoing remaining period of sentence and ends of justice would be met if the sentence awarded to appellant is reduced to the period already undergone by him.

12. In the result, the appeal is allowed in part. Conviction of appellant under Section 20(i) of the NDPS Act is hereby

affirmed; sentence imposed upon the appellant under aforesaid Section is hereby modified and reduced to the period already undergone by him. However, fine amount imposed by the trial Court upon the appellant shall remain intact.

13. Record of this case alongwith copy of this judgment be sent back immediately to trial Court concerned for compliance and necessary action.

Sd/-
(Arvind Kumar Verma)
JUDGE

J/-